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TO AMEMBASSY APIA IMMEDIATE

AMEMBASSY WELLINGTON IMMEDIATE

INFO AMCONSUL AUCKLAND IMMEDIATE

AMEMBASSY KINGSTON

AMEMBASSY PRAGUE

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SENSITIVE, WELLINGTON PLEASE PASS TO AMEMBASSY APIA

E.O. 12958: N/A

TAGS: CASC, WS, KOCI

SUBJECT: INVESTIGATION REQUEST FOR ALLEGED ABUSE AT
PARADISE COVE

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**REVIEW AUTHORITY: Charles Lahiguera,
Senior Reviewer**

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REF: (A) WELLINGTON 1056, (B) WARREN-DEPT FAX OF 9/2/98,
(C) WELLINGTON 1002

1. SENSITIVE BUT UNCLASSIFIED.

2. THIS IS AN ACTION MESSAGE. SEE PARAGRAPHS 3 AND
V-IL.

3. BEGIN SUMMARY. IN THE LAST TWO WEEKS, THE
DEPARTMENT HAS RECEIVED CREDIBLE ALLEGATIONS OF
PHYSICAL ABUSE OF MINOR AMCIT ENROLLEES AT THE
PARADISE COVE BEHAVIOR MODIFICATION FACILITY IN SAMOA,
INCLUDING THAT RELAYED TO DEPT IN REF C. SINCE THESE
ALLEGATIONS HAVE BEEN RECEIVED FROM MORE THAN ONE
SOURCE/PERSON AND INDEPENDENTLY CORROBORATE ONE
ANOTHER, THE DEPT HAS DETERMINED THAT WE ARE OBLIGED
TO ASK THAT THE ALLEGATIONS BE IMMEDIATELY AND
FORMALLY INVESTIGATED. EMBASSY APIA IS THEREFORE

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DIRECTED TO PRESENT, VIA DIPLOMATIC NOTE, A REQUEST TO THE GOVERNMENT OF SAMOA TO LAUNCH A BROAD INVESTIGATION CONSISTENT WITH SAMOAN AND INTERNATIONAL LAW TO DETERMINE THE TRUTH OF THE ALLEGATIONS AND, IF THE FACTS ARE SUBSTANTIATED, TO TAKE IMMEDIATE MEASURES TO PREVENT ANY FURTHER ABUSE AND TO BRING THE PERPETRATORS TO JUSTICE. IN ADDITION, EMBASSY APIA IS FURTHER DIRECTED TO REQUEST THAT THE GOS INFORM THE RESPONSIBLE PARTIES AT THE PARADISE COVE FACILITY THAT UNDER ARTICLE 36(A) OF THE VIENNA CONVENTION ON CONSULAR RELATIONS, ANY U.S. CITIZEN MAY CONTACT A
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U.S. EMBASSY OFFICIAL AT ANY TIME UPON REQUEST, AND THAT THE GOS IS OBLIGATED TO ENSURE THAT U.S. CITIZENS AT PARADISE COVE ARE APPRISED OF THIS RIGHT UNDER INTERNATIONAL LAW. END SUMMARY.

4. IN ADDITION TO THE ALLEGATIONS MADE TO CHARGE WARREN AND RELAYED TO DEPARTMENT IN REF B, THE DEPARTMENT HAS RECENTLY RECEIVED CREDIBLE ALLEGATIONS OF ABUSE OF ENROLLEES AT PARADISE COVE FROM OTHER SOURCES. THESE SOURCES INCLUDE FORMER ENROLLEES, WHO CLAIM TO HAVE SUFFERED ABUSE THEMSELVES AND/OR WITNESSED IT FIRST-HAND, AND OTHER INTERESTED PARTIES SUCH AS FAMILY MEMBERS, STATE CHILD WELFARE WORKERS, CHILD ADVOCACY GROUPS, AND INCREASINGLY, THE MEDIA. THE ABUSE ALLEGED TO HAVE OCCURRED INCLUDES BEATINGS, ISOLATION, FOOD AND WATER DEPRIVATION, CHOKE HOLDS, KICKING, PUNCHING, BONDAGE, SPRAYING WITH CHEMICAL AGENTS, FORCED MEDICATION, VERBAL ABUSE AND THREATS OF FURTHER PHYSICAL ABUSE. THE DEPARTMENT HAS ALSO RECEIVED ONE UNSUBSTANTIATED ALLEGATION (NOT BY A VICTIM OR A WITNESS) OF THE SEXUAL ABUSE OF A THIRD NAMED ENROLLEE (FORCED ORAL SEX) BY A PARADISE COVE STAFF MEMBER. IN SHORT, THE DEPARTMENT IS CONCERNED ABOUT ALLEGED ABUSIVE BEHAVIOR TOWARDS THESE AMCIT MINORS WHICH GOES BEYOND GENERALLY ACCEPTED DISCIPLINARY MEASURES AND WOULD APPEAR TO CONSTITUTE CRIMINAL ABUSE UNDER SAMOAN (AND INTERNATIONAL) LAW. (REF A.) IT HAS BEEN ADDITIONALLY ALLEGED THAT THE SAMOAN STAFF MEMBERS WHO USUALLY DELIVER THE ABUSE FREQUENTLY USE (AND PROVIDE) DRUGS AT PARADISE COVE, ARE UNSUPERVISED, AND ARE NOT QUALIFIED AS CHILD CARE
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WORKERS.

5. THE SOURCES FURTHER ALLEGE THAT THE ENROLLEES ARE DENIED ANY REQUEST TO CONTACT EITHER THEIR PARENTS OR THEIR EMBASSY REPRESENTATIVE AND THAT ANY ATTEMPTS TO

DO SO ARE PUNISHABLE BY THE ABUSIVE MEASURES

PREVIOUSLY MENTIONED.

6. WHENEVER THE HEALTH AND SAFETY OF MINOR U.S. CITIZENS OUTSIDE THE UNITED STATES MAY BE AT RISK, THE DEPARTMENT SEEKS TO ASCERTAIN THE FACTS AND TO PROVIDE APPROPRIATE CONSULAR ASSISTANCE WITHOUT DELAY. FOLLOWING THE 1978 JONESTOWN TRAGEDY IN GUYANA, CONGRESS REINFORCED THE DEPARTMENT'S TRADITIONAL ROLE IN PROVIDING CONSULAR PROTECTION TO U.S. NATIONALS ABROAD AND PLACED SPECIAL EMPHASIS ON THE PROTECTION OF MINORS. THE DEPARTMENT VIEWS ITS RESPONSIBILITIES TOWARD MINOR AMERICAN CITIZENS AS PARAMOUNT BECAUSE OF THEIR INNATE VULNERABILITY AND NEED FOR PROTECTION. THIS IS ESPECIALLY TRUE IN AN ISOLATED FACILITY LIKE PARADISE COVE WHERE THE MINORS ARE SEPARATED FROM THEIR NATURAL PROTECTORS, THEIR PARENTS, AND WHERE THE FACILITY IS NOT SUBJECT TO THE RIGOROUS STANDARDS APPLICABLE TO INSTITUTIONS FOR MINORS IN THE UNITED STATES. THE DEPARTMENT IS CURRENTLY PREPARING AN ALDAC ADVISING POSTS OF THEIR CONSULAR RESPONSIBILITIES FOR MINORS ENROLLED ABROAD IN BEHAVIOR MODIFICATION PROGRAMS WHICH WILL BE SENT SEPTTEL AS SOON AS POSSIBLE.

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7. HOWEVER, BECAUSE OF THE ALLEGATIONS OF ACTUAL ON-GOING ABUSE WHICH MAY BE OCCURRING (OR HAVE OCCURRED) AT PARADISE COVE, THE DEPARTMENT BELIEVES AN IMMEDIATE AND BROAD INVESTIGATION IS IMPERATIVE TO PREVENT POSSIBLE NEGATIVE HEALTH CONSEQUENCES TO OR CRIMINAL VICTIMIZATION OF U.S. CITIZEN MINORS THERE. POST IS THEREFORE DIRECTED TO PRESENT TO THE GOS A DIPLOMATIC NOTE, THE TEXT OF WHICH FOLLOWS, REQUESTING THE APPROPRIATE SAMOAN AUTHORITIES, INCLUDING POLICE, HEALTH, EDUCATION AND/OR CHILD WELFARE AUTHORITIES, TO CONDUCT THE BROADEST POSSIBLE INVESTIGATION TO ASCERTAIN WHETHER ANY ABUSE OF THESE AMERICANS HAS OCCURRED OR IS OCCURRING AT PARADISE COVE AND IF SO, TO BRING THE RESPONSIBLE PARTIES TO JUSTICE AND TO TAKE WHATEVER MEASURES NECESSARY TO PREVENT THE FUTURE OCCURRENCE OF ANY SUCH ABUSE, WHICH MAY INCLUDE CONSIDERING THE PROPRIETY OF THE INSTITUTION'S CONTINUING OPERATION IN SAMOA.

8. THE DEPARTMENT CAN PROVIDE POST THE NAMES OF ALLEGED VICTIMS, MOST OF WHOM ARE NO LONGER AT PARADISE COVE AND SO FEEL FREER TO TALK, AND THEIR WRITTEN ALLEGATIONS. HOWEVER, GIVEN THE ISOLATED

NATURE OF PARADISE COVE AND THE NATURE OF THE ALLEGATIONS, THE DEPARTMENT IS VERY CONCERNED ABOUT PLACING THE MINORS THERE AT AN EVEN GREATER RISK OF REPERCUSSIONS FOR GIVING STATEMENTS TO LOCAL AUTHORITIES. POST SHOULD DISCUSS WITH THE LOCAL

AUTHORITIES THESE CONCERNS AND BE SATISFIED THAT THEIR
METHODS OF INVESTIGATION WILL ABSOLUTELY PROTECT THE
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NAMES AND STATEMENTS OF THE MINORS AND WILL NOT PLACE
THEM AT RISK FOR RETRIBUTION. WE BELIEVE, MOREOVER,
THAT SAMOAN AUTHORITIES SHOULD SPECIFICALLY CAUTION
THE RESPONSIBLE PARTIES AT PARADISE COVE AGAINST ANY
KIND OF RETRIBUTION AS A RESULT OF AN INVESTIGATION.

9. FINALLY, IT MUST BE CLEARLY UNDERSTOOD THAT IF
POST AND THE DEPARTMENT ARE TO PERFORM OUR TRADITIONAL
PROTECTIVE FUNCTION OF MINOR U.S. CITIZENS ABROAD,
THOSE CITIZENS MUST BE FREE TO CONTACT THEIR EMBASSY
REPRESENTATIVE WITH CONCERNS ABOUT THEIR SAFETY AND
WELFARE. ARTICLE 36(A) OF THE VIENNA CONVENTION ON
CONSULAR RELATIONS, TO WHICH BOTH THE U.S. AND SAMOA
ARE A PARTY, EXPRESSLY PROVIDES FOR THE RIGHT OF A
NATIONAL ABROAD TO COMMUNICATE FREELY AND UPON DEMAND
WITH THEIR EMBASSY. POST SHOULD THEREFORE FURTHER
REQUEST THE GOS TO MAKE CLEAR TO THE OWNERS/OPERATORS
OF PARADISE COVE THAT THE GOS IS OBLIGATED TO ENSURE
THIS TREATY OBLIGATION IS HONORED ON SAMOAN TERRITORY
AND THAT, THEREFORE, PARADISE COVE MUST ALLOW ANY U.S.
CITIZEN TO CONTACT THE EMBASSY UPON REQUEST WITHOUT
INTIMIDATION OR FEAR OF REPERCUSSION. THE GOS SHOULD
FURTHER ENSURE THAT PARADISE COVE ADVISES (OR ALLOWS
YOU TO ADVISE) EACH AMERICAN CITIZEN ENROLLED IN THE
PROGRAM OF THIS RIGHT.

BEGIN TEXT OF DIPLOMATIC NOTE:

COMPLIMENTARY OPEN.

THE UNITED STATES DEPARTMENT OF STATE HAS RECENTLY
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RECEIVED ALLEGATIONS OF POSSIBLE PAST AND CONTINUING
ABUSE OF MINOR U.S. CITIZEN ENROLLEES AT THE PARADISE
COVE BEHAVIOR MODIFICATION FACILITY LOCATED IN SAMOA.
THESE ALLEGATIONS OF ABUSE HAVE BEEN RECEIVED FROM
MORE THAN ONE SOURCE AND INDEPENDENTLY CORROBORATE
EACH OTHER.

THE U.S. GOVERNMENT IS CONCERNED THAT THE ALLEGED
ABUSIVE BEHAVIOR TOWARDS THESE AMERICAN CITIZEN MINOR
CHILDREN, IF TRUE, GOES BEYOND GENERALLY ACCEPTED

DISCIPLINARY MEASURES AND WOULD APPEAR TO CONSTITUTE
CRIMINAL CHILD ABUSE UNDER SAMOAN AND INTERNATIONAL
LAW.

THE U.S. STATE DEPARTMENT HAS RECEIVED FURTHER
ALLEGATIONS THAT THE AMERICAN CITIZEN ENROLLEES ARE

DENIED ANY REQUEST TO CONTACT EITHER THEIR PARENTS OR A U.S. EMBASSY REPRESENTATIVE AND THAT ANY ATTEMPTS TO DO SO ARE PUNISHABLE BY THE ABUSIVE MEASURES PREVIOUSLY MENTIONED. THE U.S. GOVERNMENT CONSIDERS THE REFUSAL BY THE PARADISE COVE FACILITY TO GRANT PERMISSION TO A NATIONAL OF THE UNITED STATES TO CONTACT HIS U.S. EMBASSY REPRESENTATIVE UPON REQUEST TO BE A VIOLATION OF ARTICLE 36(A) OF THE VIENNA CONVENTION ON CONSULAR RELATIONS, TO WHICH BOTH THE UNITED STATES AND THE GOVERNMENT OF SAMOA ARE PARTIES.

THE UNITED STATES GOVERNMENT THEREFORE RESPECTFULLY REQUESTS THE GOVERNMENT OF SAMOA TO INITIATE THE BROADEST POSSIBLE INVESTIGATION CONSISTENT WITH SAMOAN
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AND INTERNATIONAL LAW TO ASCERTAIN WHETHER ANY ABUSE OF THESE AMERICANS CITIZENS HAS OCCURRED OR IS OCCURRING AT PARADISE COVE AND IF SO, TO BRING THE RESPONSIBLE PARTIES TO JUSTICE AND TO TAKE WHATEVER MEASURES NECESSARY TO PREVENT THE FUTURE OCCURRENCE OF ANY SUCH ABUSE.

THE UNITED STATES GOVERNMENT ALSO RESPECTFULLY REQUESTS THE GOVERNMENT OF SAMOA TO OFFICIALLY INFORM THE RESPONSIBLE PARTIES AT THE PARADISE COVE FACILITY OF THEIR OBLIGATION UNDER APPLICABLE TREATIES IN FORCE BETWEEN OUR TWO COUNTRIES TO ALLOW FREE ACCESS BY U.S. NATIONALS TO U.S. EMBASSY REPRESENTATIVES UPON REQUEST AND WITHOUT SUFFERING INTIMIDATION OR REPERCUSSIONS.

FINALLY, WHILE CONDUCTING SUCH AN INVESTIGATION, THE U.S. GOVERNMENT REQUESTS THAT THE GOVERNMENT OF SAMOA TAKE ALL NECESSARY MEASURES TO ABSOLUTELY PROTECT THE IDENTITY OF ANY AMERICAN CITIZEN MINOR CHILD ENROLLED AT THE PARADISE COVE FACILITY WHO MAY MAKE POTENTIALLY INCRIMINATING STATEMENTS AGAINST ANY EMPLOYEE OF THE FACILITY IN ORDER NOT TO PLACE ANY SUCH CHILD AT RISK OF RETRIBUTION. THE U.S. GOVERNMENT REQUESTS TO BE KEPT FULLY INFORMED AT EACH STAGE OF THE INVESTIGATION.

END TEXT. COMPLIMENTARY CLOSE

10. WHEN PRESENTING THE NOTE, POST SHOULD ORALLY ELABORATE UPON THE NATURE OF THE ABUSES ALLEGED AND SHOULD EMPHASIZE THE POINT THAT VERY SIMILAR
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ALLEGATIONS HAVE BEEN RECEIVED INDEPENDENTLY FROM MORE THAN ONE SOURCE. POST SHOULD ALSO REQUEST CLARIFICATION FROM THE GOS AS TO ANY GOS LAWS OR REGULATIONS GOVERNING THE QUALIFICATIONS AND CONDUCT OF WORKERS EMPLOYED AT A YOUTH FACILITY LIKE PARADISE

COVE WHO SUPERVISE OR ADMINISTER MEDICATION TO MINORS.

11. IF AT THE CONCLUSION OF THE INVESTIGATION, THE ALLEGATIONS OF ABUSE ARE FOUND TO HAVE ANY MERIT WHATSOEVER, POST IS ADDITIONALLY REQUESTED TO EXPLORE WITH THE ATTORNEY GENERAL THE LEGAL MECHANISM FOR SEEKING A CIVIL INJUNCTION AGAINST ANY FURTHER PHYSICAL OR MENTAL ABUSE, AS IT IS DEFINED UNDER SAMOAN LAW, PER HER SUGGESTION IN REF A, PARA 4. IN SUCH AN EVENT, THE GOS MAY ALSO WISH TO CONSIDER THE PROPRIETY OF THE INSTITUTION'S CONTINUED OPERATION ON SAMOAN TERRITORY.

12. THE DEPARTMENT COMMENDS POST FOR ITS RECENT INQUIRIES WITH BOTH THE ATTORNEY GENERAL AND THE MINISTRY OF HEALTH (REFS A AND C) WITH A VIEW TO ENSURING THAT ALL LOCAL LAW IS BEING COMPLIED WITH AT THE BEHAVIOR MODIFICATION FACILITIES IN SAMOA. WE TRUST THAT THE GOS RECOGNIZES IT IS IN ITS INTEREST AS WELL AS IN THE INTEREST OF THE USG TO SAFEGUARD THE HEALTH AND WELFARE OF AMCIT MINORS LOCATED WITHIN GOS JURISDICTION.

13. AS NEEDED, PRESS GUIDANCE WILL BE PROVIDED. HOWEVER, DEPARTMENT WOULD HOPE THAT THE REQUESTED INVESTIGATION WILL NOT BECOME PUBLIC KNOWLEDGE BEFORE
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IT IS INITIATED (TO PREVENT THE POSSIBLE DESTRUCTION OF EVIDENCE AND/OR RETRIBUTION AGAINST THE ENROLLEES), AND POST SHOULD STRONGLY RELAY THIS CONCERN TO THE GOS. POST SHOULD OBVIOUSLY NOT/VOLUNTEER TO THIRD PARTIES THAT THE USG HAS REQUESTED AN INVESTIGATION.
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